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To:	The Board of Patent Appeals		(571) 273-8300
From:	Kevin J. Zilka		

Docket No.: NAI1P014/01.128.01 **App. No: 09/916,929**

Total Number of Pages Being Transmitted, Including Cover Sheet: 31

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Practitioner's Docket No. NAI1P014/01.128.01 ***PATENT***

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Barton et al.

Application No.: 09/916,929 Group No.: 2137
Filed: 07/26/2001 Examiner: Schubert, K.
For: ANTI-VIRUS SCANNING CO-PROCESSOR

Mail Stop Appeal Briefs – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF
(PATENT APPLICATION--37 C.F.R. § 41.37)

1. Transmitted herewith, is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on September 21, 2005.

2. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is **mandatory**;*
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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Date: 12/12/2005

Signature

Erica L. Farlow

(type or print name of person certifying)

** Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.*

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:

other than a small entity	$500.00
Appeal Brief fee due	**$500.00**

4. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

Applicant believes that no extension of time is necessary however if the examiner feels that fees are due in accordance with the filing of this paper, the examiner is authorized to charge such fees to deposit account 50-1351 order no. (NAI1P014).

5. TOTAL FEE DUE

The total fee due is:

Appeal brief fee	$500.00
Extension fee (if any)	$0.00
TOTAL FEE DUE	**$500.00**

6. FEE PAYMENT

Authorization is hereby made to charge the amount of $500.00 to Deposit Account No. 50-1351 (Order No. NAI1P014).

A duplicate of this transmittal is attached.

7. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any addjtional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. NAI1P014).

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of	)
	)
Barton et al.	) Group Art Unit: 2137
	)
Application No. 09/916,929	) Ex: Schubert, Kevin R.
	)
Filed: July 26, 2001	) Date: December 12, 2005
	)
For: ANTI-VIRUS SCANNING CO-PROCESSOR	)
	)
	)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Board of Patent Appeals and Interferences

APPEAL BRIEF (37 C.F.R. § 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on September 21, 2005.

The fees required under § 1.17, and any required petition for extension of time for filing this brief and fees therefor, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains these items under the following headings, and in the order set forth below (37 C.F.R. § 41.37(c)(i)):

I REAL PARTY IN INTEREST
II RELATED APPEALS AND INTERFERENCES
III STATUS OF CLAIMS
IV STATUS OF AMENDMENTS

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V SUMMARY OF CLAIMED SUBJECT MATTER

VI GROUNDS OF REJECTION PRESENTED FOR REVIEW

VII ARGUMENTS

VIII APPENDIX OF CLAIMS INVOLVED IN THE APPEAL

IX APPENDIX LISTING ANY EVIDENCE RELIED ON BY THE APPELLANT IN THE APPEAL

The final page of this brief bears the practitioner's signature.

I REAL PARTY IN INTEREST (37 C.F.R. § 41.37(c)(1)(i))

The real party in interest in this appeal is McAfee, Inc.

II RELATED APPEALS AND INTERFERENCES (37 C.F.R. § 41.37(c) (1)(ii))

With respect to other prior or pending appeals, interferences, or related judicial proceedings that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no other such appeals, interferences, or related judicial proceedings.

Since no such proceedings exist, no Related Proceedings Appendix is appended hereto.

III STATUS OF CLAIMS (37 C.F.R. § 41.37(c) (1)(iii))

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1-13, 17-29 and 33-44

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims withdrawn from consideration: None
2. Claims pending: 1-13, 17-29 and 33-44
3. Claims allowed: None
4. Claims rejected: 1-13, 17-29 and 33-44

C. CLAIMS ON APPEAL

The claims on appeal are: 1-13, 17-29 and 33-44

See additional status information in the Appendix of Claims.

IV STATUS OF AMENDMENTS (37 C.F.R. § 41.37(c)(1)(iv))

As to the status of any amendment filed subsequent to final rejection, there are no such amendments after final.

V SUMMARY OF CLAIMED SUBJECT MATTER (37 C.F.R. § 41.37(c)(1)(v))

With respect to a summary of Claim 1 et al., as shown in Figures 5 and 6, a technique is provided for scanning data. In use, scanning control logic is executed utilizing a central processing unit (e.g. item 502 of Figure 5) and the data is indicated to a scanning co-processor coupled to the central processing unit so that the data is scanned by the scanning co-processor under the control of the scanning control logic (e.g. item 510/514 of Figure 5). Results from the scanning co-processor are waited for (e.g. decision 516 of Figure 5) and additional logic is executed utilizing the central processing unit while waiting for the results from the scanning co-processor (e.g. item 514 of Figure 5). In addition, an event is initiated based on the results from the scanning co-processor (e.g. item 518 of Figure 5). The scanning co-processor is also under the control of the central processing unit via the execution of the scanning control logic by the central processing unit. Furthermore, it is determined whether the data meets a predetermined criteria, where the criteria is based on a type of a file associated with the data (e.g. item 506 of Figure 5) and the data is sent to the scanning co-processor if it is determined that the data meets the predetermined criteria (e.g. operation 508 of Figure 5). Still yet, additional data to be scanned by the scanning co-processor is queued while waiting for the results from the scanning co-processor (e.g. item 610 of Figure 6). Note page 9, line 10-page 11, line 18, for example.

With respect to a summary of Claims 34 et al., the above summary is incorporated in full. In addition, as shown in Figure 6, scanning information is collected from memory on the scanning co-processor (e.g. item 602 of Figure 6) and the data is scanned with the scanning co-processor utilizing the scanning information under the control of the scanning control logic (e.g. item 604 of Figure 6). Note page 11, lines 4-9, for example.

VI GROUNDS OF REJECTION PRESENTED FOR REVIEW (37 C.F.R. § 41.37(c)(1)(vi))

Following, under each issue listed, is a concise statement setting forth the corresponding ground of rejection.

Issue #1: The Examiner has rejected Claims 1-2, 4-7, 9-13, 17-18, 20-23, 25-29, 33-35, 38-40, 42 and 44 under 35 U.S.C. 102(e) as being anticipated by Grupe et al., U.S. Patent Application Publication No. 2002/0194212.

Issue #2: The Examiner has rejected Claims 3, 8, 19, 24, 36, 41 and 43 under 35 U.S.C. 103(a) as being unpatentable over Grupe et al., U.S. Patent Application Publication No. 2002/0194212, in view of Zuta, International Publication No. WO 98/45778.

Issue #3: The Examiner has rejected Claim 37 under 35 U.S.C. 103(a) as being unpatentable over Grupe et al., U.S. Patent Application Publication No. 2002/0194212, in view of Snavely (Snavely, Allan; Tullsen, Dean. Symbiotic Jobscheduling for a Simultaneous Multithreading Processor. Published in the Proceedings of ASPLOS IX. November 2000).

VII ARGUMENTS (37 C.F.R. § 41.37(c)(1)(vii))

Issue #1:

The Examiner has rejected Claims 1-2, 4-7, 9-13, 17-18, 20-23, 25-29, 33-35, 38-40, 42 and 44 under 35 U.S.C. 102(e) as being anticipated by Grupe et al., U.S. Patent Application Publication No. 2002/0194212.

Group #1: Claims 1, 4-7, 9-11, 13, 17, 20-23, 25-27, 29, 33, 39, 40, 42 and 44

The Examiner has relied on the following excerpts to make a prior art showing of appellant's claimed "executing additional logic utilizing the central processing unit while waiting for the results from the scanning co-processor."

> "Viewed from one aspect the present invention provides a computer program product comprising a computer program operable to control a scanning computer to produce a log file identifying computer data from a source computer having specified content, said computer program comprising: scanning logic operable to scan computer data transferred from said source computer to said scanning computer and to identify one or more portions of said computer data having one or more predetermined characteristics indicative of said computer data having said specified content; and log generating logic operable to write details of said identified portions to a log file." [0008]
>
> "The invention recognises the above problem of scans of computer data that take so long that a complete scan of the data cannot be performed during slack time, such as overnight or during the weekend. To address this problem embodiments of the invention transfer data to be scanned from a source computer to a scanning computer. The scanning computer then scans the data and creates a log file identifying portions of the data that have predetermined characteristics indicating a particular specified content. **This enables the source computer to rescan or otherwise selectively process the data identified in the log file,** which considerably reduces the processing time of the source computer needed for a scan." [0009](emphasis added)

Appellant respectfully asserts that the above excerpts simply disclose a "scanning computer [that] scans the data and creates a log file" and a source computer that subsequently "rescan[s] or otherwise selectively process[es] the data identified in the log file." Thus, the source computer cannot take any action until it receives the log file from the scanning computer, which is clearly

distinguished from appellant's claimed "executing additional logic utilizing the central processing unit **while waiting** for the results from the scanning co-processor" (emphasis added).

In addition, the Examiner has relied on the above excerpts to meet appellant's claimed "wherein the scanning co-processor is under the control of the central processing unit via the execution of the scanning control logic by the central processing unit." Grupe, however, teaches a "computer program product comprising a computer program operable to control a scanning computer," and the Examiner has also admitted that "[t]he scanning control logic is maintained in the scanning co-processor computer(s)." Both the prior art and the Examiner's statements clearly *teach away* from appellant's claim language since appellant claims "execution of the scanning control logic by the central processing unit" and NOT by the scanning co-processor (emphasis added).

Furthermore, the Examiner has relied on paragraph [0009] as cited above to make a prior art showing of appellant's claimed "wherein additional data to be scanned by the scanning co-processor is queued while waiting for the results from the scanning co-processor." In doing so, the Examiner has stated that "[i]t is inherent that the data is not all processed at the same exact time but is rather processed in a queue on the scanning computer where additional data to be scanned is processed after the results of the first data are processed." Appellant respectfully disagrees with the Examiners assertion. Specifically, appellant's claimed "wherein additional data to be scanned by the scanning co-processor is queued" is not inherent in the context of appellant's remaining claim language.

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.*868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the Grupe reference, especially in view of the arguments made hereinabove.

Group #2: Claims 2 and 18

The Examiner has relied on paragraph [0015] to make a prior art showing of appellant's claimed "processing the data utilizing the central processing unit upon the receipt of favorable results from the scanning co-processor including a situation where malicious code is not detected." Appellant respectfully asserts that such except only teaches "further processing tasks upon at least said data identified in said log file as having said predetermined characteristics" (emphasis added). Thus, Grupe only teaches processing a log file if it has the predetermined characteristics indicative of the file having some specified content, and not when "malicious code is not detected" as claimed by appellant (emphasis added).

Again, appellant respectfully asserts that appellant's specific claim language is not anticipated by the Grupe reference since all of appellant's claim limitations have not been met by the Grupe reference, as noted above.

Group #3: Claims 12 and 28

The Examiner has rejected appellant's claim language by stating that "[i]t is inherent that the virus signatures are stored in order for the scanning co-processor to detect that a virus is present." Appellant respectfully asserts that virus signatures are not inherent in virus scanning.

Again, appellant respectfully asserts that appellant's specific claim language is not anticipated by the Grupe reference since all of appellant's claim limitations have not been met by the Grupe reference, as noted above.

Group #4: Claims 34 and 35

The Examiner has relied on the following excerpts to make a prior art showing of appellant's claimed "executing additional logic utilizing the central processing unit while waiting for the results from the scanning co-processor."

> "Viewed from one aspect the present invention provides a computer program product comprising a computer program operable to control a scanning computer to produce a log file identifying computer data from a source computer having specified content, said computer program comprising: scanning logic operable to scan computer data transferred from said source computer to said scanning computer and to identify one or more portions of said computer data having one or more predetermined characteristics indicative of said computer data having said specified content; and log generating logic operable to write details of said identified portions to a log file." [0008]
>
> "The invention recognises the above problem of scans of computer data that take so long that a complete scan of the data cannot be performed during slack time, such as overnight or during the weekend. To address this problem embodiments of the invention transfer data to be scanned from a source computer to a scanning computer. The scanning computer then scans the data and creates a log file identifying portions of the data that have predetermined characteristics indicating a particular specified content. **This enables the source computer to rescan or otherwise selectively process the data identified in the log file,** which considerably reduces the processing time of the source computer needed for a scan." [0009](emphasis added)

Appellant respectfully asserts that the above excerpts simply disclose a "scanning computer [that] scans the data and creates a log file" and a source computer that subsequently "rescan[s] or otherwise selectively process[es] the data identified in the log file." Thus, the source computer cannot take any action until it receives the log file from the scanning computer, which is clearly distinguished from appellant's claimed "executing additional logic utilizing the central processing unit **while waiting** for the results from the scanning co-processor" (emphasis added).

In addition, the Examiner has relied on the above excerpts to meet appellant's claimed "wherein the scanning co-processor is under the control of the central processing unit via the execution of the scanning control logic by the central processing unit." Grupe, however, teaches a "computer program product comprising a computer program operable to control a scanning computer," and the Examiner has also admitted that "[t]he scanning control logic is maintained in the scanning co-processor computer(s)." Both the prior art and the Examiner's statements clearly *teach away* from appellant's claim language since appellant claims "execution of the scanning control logic by the central processing unit" and NOT by the scanning co-processor (emphasis added).

Furthermore, the Examiner has relied on paragraph [0009] as cited above to make a prior art showing of appellant's claimed "wherein additional data to be scanned by the scanning co-processor is queued while waiting for the results from the scanning co-processor." In doing so, the Examiner has stated that "[i]t is inherent that the data is not all processed at the same exact time but is rather processed in a queue on the scanning computer where additional data to be scanned is processed after the results of the first data are processed." Appellant respectfully disagrees with the Examiners assertion. Specifically, appellant's claimed "wherein additional data to be scanned by the scanning co-processor is queued" is not inherent in the context of appellant's remaining claim language.

In addition, the Examiner has relied on the following excerpt to make a prior art showing of appellant's claimed "processing the data utilizing the central processing until upon the receipt of favorable results from the scanning co-processor including a situation where malicious code is not detected."

> "A further aspect of the present invention provides a computer program product comprising a computer program operable to control a source computer to scan computer data stored by said source computer to identify one or more portions of said computer data having one or more predetermined characteristics indicative of said computer data having some specified content, said computer program comprising: log reading logic operable to control said source computer to read a log file written by a scanning computer, said log file identifying portions of said computer data having said predetermined characteristics; **and response logic responsive to said log file and operable to control said source computer to perform further processing tasks upon at least said data identified in said log file as having said predetermined characteristics.**" [0015] (emphasis added)

Appellant respectfully asserts that the above excerpt simply discloses "response logic responsive to said log file and operable to control said source computer to perform further processing tasks upon at least said data identified in said log file as having said predetermined characteristics" wherein the "predetermined characteristics [are] indicative of said computer data having some specified content." Furthermore, Grupe discloses "any content of data that the user cares to specify may be scanned for...particularly...a computer virus; a worm; a Trojan; and a computer file comprising banned content" (see paragraph [0011]).

Thus, Grupe's "log file" includes data with specified content that is unwanted (e.g. viruses, worm, etc.), such that the source computer performs further processing tasks upon the data in the log file. Therefore, it seems that Grupe discloses further processing of data that is NOT favorable. Appellant, on the other hand, claims "processing the data utilizing the central processing unit upon receipt of favorable results from the scanning co-processor including a situation where malicious code is not detected."

Again, appellant respectfully asserts that appellant's specific claim language is not anticipated by the Grupe reference since all of appellant's claim limitations have not been met by the Grupe reference, as noted above.

Group #5: Claim 38

The Examiner has rejected dependent Claim 38 as being met by Grupe's disclosed "embodiments of the above invention can be used to detect any content of a file that the user specifies" (see paragraph [0036]). Appellant respectfully asserts that "wherein the criteria is further based on a user" (Claim 38) is simply not taught by "detect[ing] any content" as taught in Grupe. Detecting content of a file does not encompass a user, since a user is not considered content in a file.

Again, appellant respectfully asserts that appellant's specific claim language is not anticipated by the Grupe reference since all of appellant's claim limitations have not been met by the Grupe reference, as noted above.

Issue #2:

The Examiner has rejected Claims 3, 8, 19, 24, 36, 41 and 43 under 35 U.S.C. 103(a) as being unpatentable over Grupe et al., U.S. Patent Application Publication No. 2002/0194212, in view of Zuta, International Publication No. WO 98/45778.

Group #1: Claim 3, 19, 36 and 43

Appellant respectfully asserts that such claims have not been met by the prior art by virtue of the arguments made in Issue #1, Group #1 above.

Group #2: Claims 8 and 24

The Examiner has relied on page 19, paragraph 2 in Zuta to make a prior art showing of appellant's claimed technique "wherein the event is initiated under the control of the scanning control logic." Appellant respectfully asserts that such excerpt in Zuta only generally teaches that "the application computer can be immediately stopped if necessary" but not under which logic it can be stopped. In particular, Zuta does not specifically disclose that an "event is initiated under the control of the scanning control logic" (emphasis added) where the scanning control logic is executed utilizing a central processing unit, in the context claimed by appellant.

Again, appellant respectfully asserts that appellant's specific claim language is not anticipated by the Grupe reference since all of appellant's claim limitations have not been met by the Grupe reference, as noted above.

Group #3: Claim 41

The Examiner has relied on page 24, lines 1-3 in Zuta to make a prior art showing of appellant's claimed technique "wherein the scanning control logic is executed automatically when a computer is booted up." Appellant respectfully asserts that such excerpt merely discloses that at power-up "the controller 21 loads known viruses pattern as well as sensitive operations which demand further scrutiny." Clearly a viruses pattern and sensitive operations that demand further scrutiny do not meet appellant's claimed scanning control logic.

Again, appellant respectfully asserts that appellant's specific claim language is not anticipated by the Grupe reference since all of appellant's claim limitations have not been met by the Grupe reference, as noted above.

Issue #3:

The Examiner has rejected Claim 37 under 35 U.S.C. 103(a) as being unpatentable over Grupe et al., U.S. Patent Application Publication No. 2002/0194212, in view of Snavely (Snavely, Allan; Tullsen, Dean. Symbiotic Jobscheduling for a Simultaneous Multithreading Processor. Published in the Proceedings of ASPLOS IX. November 2000).

Group #1: Claim 37

Appellant respectfully asserts that such claims have not been met by the prior art by virtue of the arguments made in Issue #1, Group #4 above.

In view of the remarks set forth hereinabove, all of the independent claims are deemed allowable, along with any claims depending therefrom.

VIII APPENDIX OF CLAIMS (37 C.F.R. § 41.37(c)(1)(viii))

The text of the claims involved in the appeal (along with associated status information) is set forth below:

1. (Previously Presented) A method for scanning data, comprising:

a) executing scanning control logic utilizing a central processing unit;

b) identifying a request related to data at the central processing unit;

c) indicating the data to a scanning co-processor coupled to the central processing unit so that the data is scanned by the scanning co-processor under the control of the scanning control logic;

d) waiting for results from the scanning co-processor;

e) executing additional logic utilizing the central processing unit while waiting for the results from the scanning co-processor; and

f) initiating an event based on the results from the scanning co-processor;

wherein the scanning co-processor is under the control of the central processing unit via the execution of the scanning control logic by the central processing unit;

wherein it is determined whether the data meets a predetermined criteria, where the criteria is based on a type of a file associated with the data;

wherein the data is sent to the scanning co-processor if it is determined that the data meets the predetermined criteria;

wherein additional data to be scanned by the scanning co-processor is queued while waiting for the results from the scanning co-processor.

2. (Previously Presented) The method as recited in claim 1, and further comprising processing the data utilizing the central processing unit upon the receipt of favorable results from the scanning co-processor including a situation where malicious code is not detected.

3. (Original) The method as recited in claim 1, wherein the central processing unit is coupled to the scanning co-processor via a bus.

4. (Original) The method as recited in claim 1, wherein the scanning control logic includes hardware.

5. (Original) The method as recited in claim 3, wherein the scanning control logic is stored on the scanning co-processor.

6. (Original) The method as recited in claim 1, wherein the scanning control logic includes software.

7. (Original) The method as recited in claim 6, wherein the scanning control logic is stored in memory.

8. (Original) The method as recited in claim 1, wherein the event is initiated under the control of the scanning control logic.

9. (Original) The method as recited in claim 1, wherein the scanning co-processor performs content scanning.

10. (Original) The method as recited in claim 1, wherein the scanning co-processor performs virus scanning.

11. (Original) The method as recited in claim 1, wherein the scanning co-processor includes memory.

12. (Original) The method as recited in claim 11, wherein virus signatures are stored in the memory.

13. (Original) The method as recited in claim 11, wherein rule sets are stored in the memory.

14. (Cancelled)

15. (Cancelled)

16. (Cancelled)

17. (Previously Presented) A computer program product for scanning data, comprising:

a) computer code for executing scanning control logic utilizing a central processing unit;

b) computer code for identifying a request related to data at the central processing unit;

c) computer code for indicating the data to a scanning co-processor coupled to the central processing unit so that the data is scanned by the scanning co-processor under the control of the scanning control logic;

d) computer code for waiting for results from the scanning co-processor;

e) computer code for executing additional logic utilizing the central processing unit while waiting for the results from the scanning co-processor; and

f) computer code for initiating an event based on the results from the scanning co-processor;

wherein the scanning co-processor is under the control of the central processing unit via the execution of the scanning control logic by the central processing unit;

wherein it is determined whether the data meets a predetermined criteria, where the criteria is based on a type of a file associated with the data;

wherein the data is sent to the scanning co-processor if it is determined that the data meets the predetermined criteria;

wherein additional data to be scanned by the scanning co-processor is queued while waiting for the results from the scanning co-processor.

18. (Previously Presented) The computer program product as recited in claim 17, and further comprising computer code for processing the data utilizing the central processing unit upon the receipt of favorable results from the scanning co-processor including a situation where malicious code is not detected.

19. (Original) The computer program product as recited in claim 17, wherein the central processing unit is coupled to the scanning co-processor via a bus.

20. (Original) The computer program product as recited in claim 17, wherein the scanning control logic includes hardware.

21. (Original) The computer program product as recited in claim 20, wherein the scanning control logic is stored on the scanning co-processor.

22. (Original) The computer program product as recited in claim 17, wherein the scanning control logic includes software.

23. (Original) The computer program product as recited in claim 22, wherein the scanning control logic is stored in memory.

24. (Original) The computer program product as recited in claim 17, wherein the event is initiated under the control of the scanning control logic.

25. (Original) The computer program product as recited in claim 17, wherein the scanning co-processor performs content scanning.

26. (Original) The computer program product as recited in claim 17, wherein the scanning co-processor performs virus scanning.

27. (Original) The computer program product as recited in claim 17, wherein the scanning co-processor includes memory.

28. (Original) The computer program product as recited in claim 27, wherein virus signatures are stored in the memory.

29. (Original) The computer program product as recited in claim 27, wherein rule sets are stored in the memory.

30. (Cancelled)

31. (Cancelled)

32. (Cancelled)

33. (Previously Presented) A system for scanning data, comprising:

a) logic for executing scanning control logic utilizing a central processing unit;

b) logic for identifying a request related to data at the central processing unit;

c) logic for indicating the data to a scanning co-processor coupled to the central processing unit so that the data is scanned by the scanning co-processor under the control of the scanning control logic;

d) logic for waiting for results from the scanning co-processor;

e) logic for executing additional logic utilizing the central processing unit while waiting for the results from the scanning co-processor; and

f) logic for initiating an event based on the results from the scanning co-processor;

wherein the scanning co-processor is under the control of the central processing unit via the execution of the scanning control logic by the central processing unit;

wherein it is determined whether the data meets a predetermined criteria, where the criteria is based on a type of a file associated with the data;

wherein the data is sent to the scanning co-processor if it is determined that the data meets the predetermined criteria;

wherein additional data to be scanned by the scanning co-processor is queued while waiting for the results from the scanning co-processor.

34. (Previously Presented) A method for scanning data, comprising:

a) executing scanning control logic utilizing a central processing unit;

b) identifying a request related to data at the central processing unit;

c) determining whether the data meets a predetermined criteria utilizing the central processing unit under the control of the scanning control logic;

d) indicating the data to a scanning co-processor coupled to the central processing unit if it is determined that the data meets the predetermined criteria;

e) collecting scanning information from memory on the scanning co-processor;

f) scanning the data with the scanning co-processor utilizing the scanning information under the control of the scanning control logic;

g) waiting for results from the scanning co-processor;

h) executing additional logic utilizing the central processing unit while waiting for the results from the scanning co-processor;

i) queuing additional data to be scanned by the scanning co-processor while waiting for the results from the scanning co-processor;

j) initiating a security event upon the receipt of unfavorable results from the scanning co-processor including a situation where malicious code is detected; and

k) processing the data utilizing the central processing unit upon the receipt of favorable results from the scanning co-processor including a situation where malicious code is not detected;

wherein the scanning co-processor is under the control of the central processing unit via the execution of the scanning control logic by the central processing unit;

wherein the criteria is based on a type of a file associated with the data.

35. (Previously Presented) A system for scanning data, comprising:

a) means for executing scanning control logic utilizing a central processing unit;

b) means for identifying a request related to data at the central processing unit;

c) means for determining whether the data meets a predetermined criteria utilizing the central processing unit under the control of the scanning control logic;

d) means for indicating the data to a scanning co-processor coupled to the central processing unit if it is determined that the data meets the predetermined criteria;

e) means for collecting scanning information from memory on the scanning co-processor;

f) means for scanning the data with the scanning co-processor utilizing the scanning information under the control of the scanning control logic;

g) means for waiting for results from the scanning co-processor;

h) means for executing additional logic utilizing the central processing unit while waiting for the results from the scanning co-processor;

i) means for queuing additional data to be scanned by the scanning co-processor while waiting for the results from the scanning co-processor;

j) means for initiating a security event upon the receipt of unfavorable results from the scanning co-processor including a situation where malicious code is detected; and

k) means for processing the data utilizing the central processing unit upon the receipt of favorable results from the scanning co-processor including a situation where malicious code is not detected;

wherein the scanning co-processor is under the control of the central processing unit via the execution of the scanning control logic by the central processing unit;

wherein the criteria is based on a type of a file associated with the data.

36. (Original) The system as recited in claim 35, wherein the scanning information is updated via a network periodically.

37. (Original) The system as recited in claim 35, wherein the additional logic to be executed and the additional data queued to be scanned are handled utilizing multi-threading algorithms.

38. (Previously Presented) The method as recited in claim 1, wherein the criteria is further based on a user.

39. (Previously Presented) The method as recited in claim 1, wherein the criteria is further based on software logic run by a bios.

40. (Previously Presented) The method as recited in claim 1, wherein the scanning control logic is executed automatically.

41. (Previously Presented) The method as recited in claim 1, wherein the scanning control logic is executed automatically when a computer is booted up.

42. (Previously Presented) The method as recited in claim 1, wherein the scanning control logic is executed manually by a user.

43. (Previously Presented) The method as recited in claim 1, wherein the scanning control logic is executed using software logic run by a bios.

44. (Previously Presented) The method as recited in claim 1, wherein the central processing unit aids the scanning co-processor when a large amount of data is to be scanned.

IX APPENDIX LISTING ANY EVIDENCE RELIED ON BY THE APPELLANT IN THE APPEAL (37 C.F.R. § 41.37(c)(1)(ix))

There is no such evidence.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 971-2573. For payment of any additional fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NAI1P014/01.128.01).

Respectfully submitted,

By: _____ Date: 12/12/05

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